IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.E.N.PATRUDU

WRIT PETITION No.394 OF 2006

Between:

T.Venkanna, S/o Ranga Rao, aged 52 years,

Occ: Dy.Paramedical Officer, Govt. Leprosy Clinic

And Training Centre, Nallakunta, Hyderabad,

And another.

..... PETITIONERS

AND

Munawar Ali Baig, S/o Razack Baigh, aged 48

Years, Occ: Asst. Para Medical Officer, Leprosy

Control Unit, Hyderabad East, Nallakunta,

Hyderabad, and others.

....RESPONDENTS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.E.N.PATRUDU

WRIT PETITION No.394 OF 2006

O R D E R

(Per Sri Justice J.Chelameswar)

This writ petition is filed by two petitioners aggrieved by the decision of the A.P. Administrative Tribunal in O.A.No.4153 of 2005 and batch, dated 09.12.2005.

The petitioners herein are not parties to anyone of the O.As. But the present writ petition is filed with the leave of this Court, which was granted on 04.01.2006.

Under a programme called National Leprosy Eradication Programme, which was jointly undertaken by the Government of India and the States, the two petitioners were employed as Deputy Paramedical Officers while the respondent Nos.1 to 8 were employed as Assistant Paramedical Officers by the State in the Districts falling under Zone-VI contemplated under the Presidential Order, 1975. The objective of the project is to eliminate leprosy by the end of 2003 in the country. In the year 2001, a review of the programme was undertaken by the Government of India and the Government of A.P. insofar as it pertains to the State of Andhra Pradesh. Obviously, a conclusion was reached that the project was substantially successful and therefore the requirement of continuance of the various Units established for implementation of the Project was required to be decided along with all the connected issues like the fate of the personnel employed in those Units.

Apprehending that their services would be terminated, the personnel employed under the above-mentioned programme made representations to the State of A.P. The Government of A.P. therefore constituted a Committee headed by the Commissioner of Family Welfare. The Committee examined the matter and made various recommendations. In substance, the recommendation was that some of the Units under the above-mentioned programme have to be abolished and some of them to be retained. Insofar as the employees are concerned, the Committee recommended that their services should be integrated into General Health Care System, but their cadre identity in regard to transfer and promotions etc. will be maintained and that there would be no more recruitment under the said category. The Government accepted the recommendations made by the said Committee and issued orders in G.O.Ms.No.20, dated 20.01.2004. The G.O. also indicated the Units which are to be continued and the Units which are required to be abolished. The G.O. further indicated that the excess number of Paramedical Officers in either of the two categories are required to be

re-deployed as indicated in the G.O. Pursuant to the said G.O. the Director of Health-10th respondent herein issued proceedings dated 05.10.2004 purporting to frame guidelines for re-deployment of the Paramedical Staff working under the National Leprosy Eradication Programme. In substance, the understanding of the 10th respondent is that the re-deployment is required to be made only of such personnel who are working in the Units which stood abolished by virtue of a policy decision taken by the Government of A.P. contained in G.O.Ms.No.20, referred above, and the personnel working in the Units which are recommended to be continued need not be disturbed.

Challenging the proceedings of the Respondent No.10, respondent Nos.1 to 8 herein and many others approached the A.P. Administrative Tribunal in a batch of Original Applications which were disposed of by a common judgement, which is under challenge in the present writ petition.

The A.P. Administrative Tribunal came to the conclusion that the proceedings of the 10th respondent dated 05.10.2004 are not in tune with the decision of the Government in G.O.Ms.No.20.

The recommendation of the Committee constituted to examine the issue pertaining to the staff of National Leprosy Eradication Programme is Recommendation No.8, which reads as follows:

> "8. NLEP staff will be integrated into General Health Care System but their cadre identity in transfers and promotions etc. will be maintained and there will be no more new recruitment."

The above recommendation was accepted by the Government without any modification. As can be seen from the language of the recommendation extracted above, the entire staff working under the National Leprosy Eradication Programme will be integrated into the General Health Care System with certain special features, the details of which may not be necessary for the present purpose. The various Annexures to the G.O. indicated the various Units which are required to be retained and the number of APMOs or DPMOs to be attached to such Units. The Government Order never specified that the personnel attached to the Units, which are to be retained, should remain untouched. Once all the members of the staff of National Leprosy Eradication Programme are integrated into the General Health

Care System with a distinct identity of the cadre, they form a general pool and they are subject to the same Rules that are applicable to the rest of the Services including in the matter of transfers and postings. The mere accident of an individual working in a Unit, which is recommended to be continued, cannot confer such a person with any special right as not to be disturbed from that Unit.

The basic dispute, as can be seen from the order of the Tribunal appears to be that the Units which are recommended to be continued are mostly located in the urban areas and cities and the units which are recommended to be abolished were located in the rural areas. The grievance of the petitioners appears to be that if the interpretation and understanding of the 10th respondent of the scheme formulated in G.O.Ms.No.20 are not accepted, as held by the Administrative Tribunal, the petitioners might be shifted/transferred from comfortable urban areas to rural areas. Beyond this no other legal feasible objection is brought to the notice of this Court.

We do not see any no substance in the Writ Petition nor any merit. which warrants interference with the order under Challenge.

The writ petition is therefore dismissed at the stage of admission itself. There shall be no order as to costs.

JUSTICE J.CHELAMESWAR

JUSTICE M.E.N.PATRUDU

16th FEBRUARY, 2006

PGS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.E.N.PATRUDU

WRIT PETITION No.394 OF 2006

(Per Sri Justice J.Chelameswar)

16th FEBRUARY, 2006